

REMARKS

Reconsideration and further examination are requested.

Disposition of the Claims

83 claims were presented during prosecution.

Claims 1-33 & 54 were previously canceled, without prejudice or disclaimer. Claim 58 is canceled, without prejudice or disclaimer.

Claims 34-53, 55-57, & 59-83 are pending in the application.

Claims 34-45 & 59-83 are withdrawn from consideration.

Claims 46-53 & 55-57 are allowable. FOA, p. 1, item 5.

Claim 57 is currently amended to correct an inadvertent typographical error, namely, ~~4000°e~~ 1000°C. The present amendment is believed allowable under 37 C.F.R. § 1.116(b)(2) (presenting one or more of the rejected claims in condition for allowance or in better form for consideration on appeal).

Claim 59 is currently amended, without prejudice or disclaimer. Support for each amended claim is found in the as-filed specification, and the Examiner is directed to the parallel claim language in claim 46 as well as the *sintered* language. These terms were added to facilitate rejoinder *vide infra*. The present amendment is believed allowable under 37 C.F.R. § 1.116(b)(2) (presenting one or more of the rejected claims in condition for allowance or in better form for consideration on appeal). Claims 59-83 are requested to be rejoined with the elected claims *vide infra*.

This amendment changes and/or deletes one or more claims in this application. A detailed listing of each claim that is, or was, in the application, irrespective of whether or not the claim remains under examination in the application, is presented, with a status identifier.

Restriction/Request for rejoinder

The Examiner maintained the restriction because of the term *adjusted concentration of trivalent cations* recited in claim 59 and the cation ranges recited in claim 59. Office action, p. 2. Claim 59 is currently amended to recite:

wherein the concentration of trivalent cations is adjusted by multiplication by a number between 5 and 10, and wherein the electrolyte is sintered.

Thus, the term *adjusted concentration of trivalent cations* recited in claim 59 should not prevent rejoinder under the unity of invention standard.

Regarding the range(s), in both Group III (claims 59-83) and Group II (claims 46-53 & 55-57), the recited range *is between 0.01 mole % and 0.1 mole % ...* Thus, the range should not prevent rejoinder.

In short, claims 59-83 (Group III) are requested to be rejoined with the elected claims such that the examined subject matter includes Groups II-III, i.e., claims 46-53, 55-57, & 59-83.

Rejection 35 U.S.C. § 112, para. 2.

Claim 58 was rejected as indefinite for reciting the term *thick*, which is a relative term. Office action, p. 3. Claim 58 is canceled without prejudice or disclaimer. Thus, the rejection should be withdrawn.

Comments on the reasons for allowance

Claims 46-53 & 55-57 are allowable. FOA, p. 1, item 5. The Examiner's indication of allowable subject matter is noted with appreciation. Applicants briefly comment on the reasons for allowance.

The Examiner stated that "the phrase 'the concentration of divalent cations' is interpreted as the concentration of divalent cations prior to sintering." FOA, p. 3, ll. 3-4.

The Examiner's attention is directed to page 3 of the specification, which reads as follows:

The concentration of divalent cations in a fabricated electrolyte may be determined by adding the concentration of divalent cations that were added to the electrolyte prior to completion of the fabrication process to the concentration of divalent cations determined to be in the electrolyte after the fabrication process, had
5 there been no additions.

Notwithstanding the differences, the subject matter is believed allowable.

Conclusion

It is believed that the present application is in condition for allowance. Favorable reconsideration of the application is respectfully requested.

The Examiner is invited to contact the undersigned by telephone if it is felt that a telephone interview would advance the prosecution of the present application.

To the extent necessary, a petition for an extension of time under 37 C.F.R. § 1.136 is hereby made. Please charge any shortage in fees due in connection with the filing of this paper, including extension of time fees, to Deposit Account 07-1337 and please credit any excess fees to such deposit account.

Respectfully submitted,

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